



April 10, 2009

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## ENGROSSED HOUSE BILL No. 1028

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DIGEST OF HB 1028 (Updated April 8, 2009 12:58 pm - DI 104)

**Citations Affected:** Noncode.

**Synopsis:** Self-directed in-home care study. Requires the area agencies on aging to study and report certain information concerning self-directed in-home care to the division of aging and requires the division to report any recommendations needed to improve the delivery of consumer directed care to the legislative council not later than July 1, 2010. (The introduced version of this bill was prepared by the health finance commission.)

**Effective:** Upon passage.

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**Day, Brown C**

(SENATE SPONSORS — MILLER, ERRINGTON)

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January 7, 2009, read first time and referred to Committee on Public Health.  
February 10, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 17, 2009, reported — Do Pass.  
February 19, 2009, read second time, ordered engrossed. Engrossed.  
February 24, 2009, read third time, passed. Yeas 54, nays 42.

SENATE ACTION

February 25, 2009, read first time and referred to Committee on Health and Provider Services.  
April 9, 2009, amended, reported favorably — Do Pass.

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EH 1028—LS 6111/DI 104+



April 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1028

A BILL FOR AN ACT concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The area  
2       agencies on aging shall compile a report for the division of aging  
3       established by IC 12-9.1-1-1 setting forth the following information  
4       for calendar year 2009:

5               (1) The process an individual must follow to be approved to  
6               use consumer directed care under a Medicaid waiver or the  
7               community and home options to institutional care for the  
8               elderly and disabled (CHOICE) program, including the time  
9               it takes for an individual to get approved and receive services,  
10              and whether this time varies according to the funding source  
11              or the area of Indiana in which the individual lives.

12              (2) Any barriers to using consumer directed care, including  
13              any individuals on a waiting list for services.

14              (b) Based on the findings set forth in the report required under  
15              subsection (a), the division of aging shall make to the legislative  
16              council any recommendations needed to improve the delivery of  
17              consumer directed care.

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- 1       (c) The report required in subsection (a) shall be submitted in  
2       an electronic format under IC 5-14-6 to the legislative council not  
3       later than July 1, 2010.  
4       (d) This SECTION expires December 31, 2010.  
5       SECTION 2. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-17.1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. As used in this chapter, "fiscal agent" means a person or an organization designated by the division that is used by the individual in need of self-directed in-home care to handle the payroll responsibilities in an agreement between an individual in need of self-directed in-home care and a personal services attendant.**"

Page 2, between lines 8 and 9, begin a new line blocked left and insert:

**"An individual's address or other contact information provided under this subsection is not public and may not be released by the division or its designated agency unless the individual agrees to the release of the information."**

Page 2, line 22, delete "a contract" and insert **"an agreement"**.

Page 2, line 29, delete "area." and insert **"area, including information needed to contact a personal services attendant if the personal services attendant agrees to the release of the contact information."**

Page 2, line 31, strike "(c)." and insert **"(c)(1) through (c)(2)."**

Page 3, line 2, after "care" insert **", or a fiscal agent with whom the individual has contracted,"**.

Page 3, line 42, delete "available" and insert **"offered as an option"**.

Page 4, line 10, after "Sec. 15." delete "A" and insert **"(a) As used in this section, "home health agency" includes a personal services agency licensed under IC 16-27-4. However, the term does not include a hospital licensed under IC 16-21 or a hospital subject to either IC 16-22 or IC 16-23.**

**(b) Not later than July 1, 2010, a"**

Page 4, line 15, delete "Annual costs that include the following expended for an" and insert **"Payroll expenses related to employees"**.

Page 4, line 16, delete "employee who provides" and insert **"who provide"**.

Page 4, line 16, delete "services:" and insert **"services, that include only the following:"**.

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Page 4, line 32, delete "Employee turnover information." and insert **"The frequency with which employees resign, are fired, or retire from a home health agency, computed as the percentage of the agency's employees at the beginning of a calendar year."**

Page 4, line 33, after "compensates" insert **"employees who provide home health services"**.

Page 4, delete lines 38 through 39, begin a new paragraph and insert:

**"(c) This section expires July 1, 2013."**

Page 4, line 42, delete "the".

Page 4, line 42, delete "2003 and each" and insert **"2009:"**.

Page 5, delete lines 1 through 21, begin a new line block indented and insert:

**"(1) The process an individual must follow to be approved to use consumer directed care, including the time it takes for an individual to get approved and receive services, and whether this time varies according to the area of Indiana in which the individual lives.**

**(2) Results from interviewing area agency on aging staff concerning the barriers to using consumer directed care.**

**(3) Surveys of individuals participating in consumer directed care on why they chose this option."**

Page 5, line 24, delete "September 1, 2009" and insert **"July 1, 2010"**.

Page 5, line 25, delete "2009" and insert **"2010"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1028 as introduced.)

BROWN C, Chair

Committee Vote: yeas 5, nays 4.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 15, nays 7.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1028, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning human services.

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 18.

Page 5, line 19, delete "office of the" and insert "**area agencies on aging**".

Page 5, line 20, delete "secretary of family and social services".

Page 5, line 20, delete "study and" and insert "**compile a**".

Page 5, line 20, after "report" insert "**for the division of aging established by IC 12-9.1-1-1 setting forth**".

Page 5, line 23, delete "care," and insert "**care under a Medicaid waiver or the community and home options to institutional care for the elderly and disabled (CHOICE) program,**".

Page 5, line 25, after "to" insert "**the funding source or**".

Page 5, line 27, delete "Results from interviewing area agency on aging staff" and insert "**Any barriers to using consumer directed care, including any individuals on a waiting list for services.**".

Page 5, delete lines 28 through 30.

Page 5, line 31, after "(b)" insert "**Based on the findings set forth in the report required under subsection (a), the division of aging shall make to the legislative council any recommendations needed to improve the delivery of consumer directed care.**

(c)".

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Page 5, line 34, delete "(c)" and insert "(d)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1028 as printed February 17, 2009.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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